

MEMORANDUM

TO: Members, Public Disclosure Commission

FROM: Philip E. Stutzman, Director of Compliance

DATE: April 14, 2006

SUBJECT: Status of Compliance Cases

Enclosed is an update of all compliance activity since my last memo to you dated March 14, 2006. If you would like additional information, please let me know.

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Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

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Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

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Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Active Investigations

Investigations In Progress

No Utility Tax in Edgewood–Case #06-243; Investigator: Randy Unruh

Date Received: September 14, 2005

Date Started: October 17, 2005

Section of Law: RCW 42.17.040, .080 & .090

Status: Under Investigation

Summary: A complaint was received from John Powers alleging that an entity, No Utility Tax in Edgewood, failed to register and report contribution and expenditure activities as a political committee supporting a local ballot proposition for the May 17, 2005 election.

Disposition: Pending

Pasiero-Davis, Sandra–Case #06-245; Investigator: Randy Unruh

Date Received: September 21, 2005

Date Started: October 19, 2005

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Rachel Ruelas alleging that Sandra Pasiero-Davis used the public facilities of the Mabton School District to support a candidate for school director, an alleged violation of RCW 42.17.130.

Disposition: Pending

Lasch, Diane–Case #06-247; Investigator: Kurt Young

Date Received: September 23, 2005

Date Started: October 19, 2005

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Ryan Bedford of the Evergreen Freedom Foundation alleging that Diane Lasch, a teacher with the Federal Way School District, used school district facilities to endorse and assist candidates for school board, an alleged violation of RCW 42.17.130.

Disposition: Pending

Steenrod, Maggie–Case #06-248; Investigator: Randy Unruh

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Date Received: September 26, 2005

Date Started: October 20, 2005

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Stan Scarvie alleging that Maggie Steenrod, a candidate for Des Moines City Council, failed to allow an examination of her campaign records during the open records inspection, and that Des Moines City Councilman Richard Benjamin, acting on her behalf denied Mr. Scarvie's attempt to fully examine the records, an alleged violation of RCW 42.17.080.

Disposition: Pending

Wilson, Jim (Vashon Fire & Rescue District)-Case #06-249; Investigator: Randy Unruh

Date Received: September 26, 2005

Date Started: October 20, 2005

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Rick Frye alleging a violation against Jim Wilson, Chief of the Vashon Island Fire and Rescue District, by using the public facilities of the fire district to further the campaign of SharonLee Nicholson, a Fire Commissioner candidate by featuring her in the district newsletter, a violation of RCW 42.17.130.

Disposition: Pending

Von Reichbauer, Peter-Case #06-252; Investigator: Kurt Young

Date Received: September 30, 2005

Date Started: October 20, 2005

Section of Law: RCW 42.17.530(1)

Status: Under Investigation

Summary: A complaint was received from Darlin' Boudreau alleging that Peter Von Reichbauer, an incumbent King County Council member and a candidate for re-election in 2005, produced political advertising that contained photographs that falsely implied the support or endorsement of individuals featured with the candidate, an alleged violation of RCW 42.17.530

Disposition: Pending

Madden, Thomas-Case #06-275; Investigator: Randy Unruh

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Date Received: October 10, 2005
Date Started: October 20, 2005
Section of Law: RCW 42.17.080 & .090
Status: Under Investigation
Summary: A complaint was received from Linnea Peterson alleging that Thomas Madden, a candidate for Federal Way School Board, failed to report expenditures made by his campaign, alleged violations of RCW 42.17.080 and .090.
Disposition: Pending

Thompson-Black, Linda Case #06-282: Jennifer Hansen

Date Received: October 27, 2005
Date Started: November 3, 2005
Section of Law: RCW 42.17.080, .090 & .105
Status: Under Investigation
Summary: A complaint was received from Fred Quarnstrom alleging that Linda Thompson Black, a candidate for Seattle School Board, failed to timely file reports disclosing contribution and expenditure activities, alleged violations of RCW 42.17.080 and .090, including a Last Minute Contribution Report, an alleged violation of RCW 42.17.105.
Disposition: Pending

Citizens for a Better Community – Case #06-286: Jennifer Hansen

Date Received: October 28, 2005
Date Started: November 3, 2005
Section of Law: RCW 42.17.510 & .550
Status: Under Investigation
Summary: A complaint was received from Jolie Imperatori alleging that Citizens for a Better Community (CBC), a local political committee, failed to have the complete sponsor identification on a mailer supporting three candidates for Sammamish City Council by including “NOTICE TO VOTERS” language and a listing of its top five contributors as required for an independent expenditure, an alleged violation of RCW 42.17.510(2), and that CBC failed to file a statement with King County elections disclosing the number of pieces along with an example of the piece, an alleged violation of RCW 42.17.550.
Disposition: Pending

Wightman, Art– Case #06-291: Kurt Young

Date Received: November 21, 2005
Date Started: November 21, 2005

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Section of Law: RCW 42.17.080

Status: Under Investigation

Summary: A complaint was received from James T. Clark, alleging that Art Wightman, a candidate for School Director from North Mason School District, failed to make available his campaign books and records during the open records inspection period eight days before the general election, an alleged violation of RCW 42.17.080.

Disposition: Pending

Concerned Citizens of Union Gap – Case #06-294: Randy Unruh

Date Received: November 14, 2005

Date Started: December 7, 2005

Section of Law: RCW 42.17.040, .080, .090, .510, & .530

Status: Under Investigation

Summary: A complaint was filed by Patricia L. McDonald alleging violations of RCW 42.17. Ms. McDonald alleged that Concerned Citizens of Union Gap sponsored political advertising that contained a false statement of material fact about Patricia McDonald, an alleged violation of RCW 42.17.530(1)(a). This portion of the complaint has been placed on hold until the State Supreme Court has heard an appeal by the PDC of a Court of Appeals decision that ruled this section of law unconstitutional. In addition, the complaint alleged that the advertising failed to include a complete sponsor identification, including a mailing address for the sponsor, the requirement to include a statement of “NOTICE TO VOTERS” and “Top Five Contributors” an alleged violation of RCW 42.17.510. The complaint also alleged that Concerned Citizens of Union Gap is an unregistered political committee, an alleged violation of RCW 42.17.040, .080 and .090.

Disposition: Pending

Rehn, Lynn – Case #06-295: Kurt Young

Date Received: November 16, 2005

Date Started: December 8, 2005

Section of Law: RCW 42.17.080, .090, .510

Status: Under Investigation

Summary: A complaint was received from Scott Hamilton against Lynn Rehn, a candidate for Sammamish City Council, alleging that Ms. Rehn failed to timely file reports of contribution and expenditure activities. Mr. Hamilton alleged that Ms. Rehn filed her last C-4 report was on September 6, 2005 and the last C-3 report was filed on October 27, 2005. The complaint also alleged that Ms. Rehn

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failed to include complete sponsor identification on political advertisements sponsored by her campaign.
Disposition: Pending

Nelson, L. Ward--Case #06-299: Randy Unruh

Date Received: December 14, 2005
Date Started: December 20, 2005
Section of Law: RCW 42.17.080 & .090
Status: Under Investigation
Summary: A complaint was received from William McCallum alleging that L. Ward Nelson, a candidate for Whatcom County Council, failed to file reports disclosing contribution and expenditure activities undertaken by his campaign.
Disposition: Pending

Better Community Solutions--Case #06-300: Randy Unruh

Date Received: December 14, 2005
Date Started: December 20, 2005
Section of Law: RCW 42.17.080 & .090
Status: Under Investigation
Summary: A complaint was received from William McCallum alleging that Better Community Solutions, a local political committee registered with the PDC, failed to file reports disclosing contribution and expenditure activities
Disposition: Pending

Young, Bob - Case #06-318: Randy Unruh

Date Received: February 2, 2006
Date Started: March 1, 2006
Section of Law: RCW 42.17.130
Status: Under Investigation
Summary: A complaint was received from Dan Swatman alleging that Bob Young used public facilities of the City of Bonney Lake to assist his 2005 campaign for re-election to the position of Mayor of Bonney Lake. The complaint alleged that Mr. Young used pictures on his campaign web site and in a campaign brochure that were taken with a city of Bonney Lake camera.
Disposition: Pending

Pelz, Dwight (45-day Citizen Action Letter)--Case #06-319; Investigator: Kurt Young

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Date Received: February 13, 2006

Date Started: March 13, 2006

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Summary: A 45-day Citizen Action Letter was filed by Richard Pope with the Attorney General's Office against the 2001 Dwight Pelz Campaign for King County Council, alleging that he may have violated the provisions of RCW 42.17.080 and .090 by failing to timely report contribution and expenditure activities undertaken during his 2001 campaign. The complaint also alleges that the public was denied the right to inspect Mr. Pelz's campaign finance books and records under RCW 42.17.080(5) for the 2001 King County Council campaign for the eight day periods immediately preceding both the September 18, 2001 primary election and the November 6, 2001 general election because the C-1 candidate registration form filed with the PDC on January 13, 1999 did not contain the address and hours of the day that the campaign books and records would be open to public inspection, as required by RCW 42.17.040(2)(i). The complaint was received from by the Attorney General's Office on February 7, 2006. In a letter to the Attorney General's Office, PDC staff stated that after reviewing the allegations in the complaint in relation to PDC's complaint caseload, staff will complete this investigation without giving it a higher priority than pending complaints currently under investigation.

Disposition: Pending

Gregoire, Christine (Surplus Funds Account) (45-day Citizen Action Letter)--Case #06-320; Investigator: Kurt Young

Date Received: February 13, 2006

Date Started: March 13, 2006

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Summary: A 45-day Citizen Action Letter was filed by Richard Pope with the Attorney General's Office against Christine Gregoire for her Surplus Funds Account alleging that in filing the Surplus Funds Account reports manually, she may have violated the mandatory electronic filing requirements of RCW 42.17.3691(2). Candidates may, but are not required to, file Surplus Funds Account reports electronically. The complaint also alleges that she failed to file timely and complete Surplus Funds Account reports from July 2003 through December 31, 2005, alleged violations of RCW 42.17.080 and .090. It also alleges that on October 31, 2002, a \$2,000 transfer was made from the Surplus Funds Account to the Attorney General campaign account at a time when you

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were not a candidate for Attorney General, an alleged violation of RCW 42.17.095(7). The complaint also alleges that in several instances, the Surplus Funds Account reports failed to include the required details of reimbursements to staff or agents of the campaign, including the name and address of each vendor listed, and the amounts spent on each vendor, an alleged violation of RCW 42.17.090(1)(k), WAC 390-16-037, WAC 390-16-041 and WAC 390-16-205. The complaint was received from by the Attorney General’s Office on February 8, 2006. In a letter to the Attorney General’s Office, PDC staff stated that after reviewing the allegations in the complaint in relation to PDC’s complaint caseload, staff will complete this investigation without giving it a higher priority than pending complaints currently under investigation.

Disposition: Pending

**Sims, Ron (Surplus Funds Account) (45-day Citizen Action Letter)--Case #06-321;
Investigator: Kurt Young**

Date Received: February 13, 2006

Date Started: March 13, 2006

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Summary: A 45-day Citizen Action Letter was filed by Richard Pope with the Attorney General’s Office against King County Executive Ron Sims alleging that he may have failed to timely report receipts to and expenditures made from his Surplus Funds Account. The complaint alleges that Mr. Sims may have violated the mandatory electronic filing requirements of RCW 42.17.3691(2). Candidates may, but are not required to, file Surplus Funds Account reports electronically. The complaint alleges that he did not timely register his Surplus Funds Account under RCW 42.17.040(1). In addition, the complaint alleges that he has not properly accounted for some of his expenditures, by failing to report the name and address of each vendor listed, including the amounts spent on each vendor when reimbursement is made to the candidate or agents, and by failing to report the date of each expenditure incurred, an alleged violation of RCW 42.17.090(1)(k), WAC 390-16-037, WAC 390-16-041 and WAC 390-16-205. The complaint was received from by the Attorney General’s Office on February 10, 2006. In a letter to the Attorney General’s Office, PDC staff stated that after reviewing the allegations in the complaint in relation to PDC’s complaint caseload, staff will complete this investigation without giving it a higher priority than pending complaints currently under investigation.

Disposition: Pending

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Pam Roach - Case #06-322: Randy Unruh

Date Received: February 22, 2006

Date Started: March 14, 2006

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Summary: A complaint was received from Ingrid Curtis alleging that Pam Roach, as a 2003 candidate for King County Council, failed to timely report over \$10,000 in contributions that were received by her campaign. The complaint alleges that the contributions were received in 2003, but were not reported until June and October of 2005, almost two years late. The complaint also alleges that Ms. Roach continued to accept contributions up to December 2003 even though she lost in the September 16, 2003 primary election.

Disposition: Pending

Hope, Michael—Case #06-323; Investigator: Kristen Murphy

Date Received: March 22, 2006

Date Started: March 31, 2006

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Erin Dziedzic with the House Democratic Campaign Committee, alleging that Michael Hope, a candidate for State Representative in the 44th Legislative District for the 2006 election, appeared in a Seattle Police Department uniform for a photograph that was included in a political advertisement.

Disposition: Pending

Ward, Yvonne—Case #05-394; Investigator: Kurt Young

Date Received: May 31, 2005

Date Started: June 17, 2005

Section of Law: RCW 42.17.530

Status: Under Investigation. (This complaint has been placed on hold until the State Supreme Court has heard an appeal by the PDC of a Court of Appeals decision that ruled this section of law unconstitutional.)

Summary: A complaint was received from Cheryl Marshall alleging that Yvonne Ward, a 2002 candidate for State Senate, sponsored, with actual malice, false statements of material fact against Pam Roach, a candidate for State Senate in 2002, an alleged violation of RCW 42.17.530.

Disposition: Pending

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Hoboy, Loren--Case #06-238; Investigator: Tony Perkins

Date Received: August 30, 2005

Date Started: September 8, 2005

Section of Law: RCW 42.17.530

Status: Under Investigation. (This complaint has been placed on hold until the State Supreme Court has heard an appeal by the PDC of a Court of Appeals decision that ruled this section of law unconstitutional.)

Summary: A complaint was received from Pat Mooney alleging that Loren Hoboy produced political advertising in the form of a campaign e-mail that contains a false statement of material fact made about Pat Mooney, a candidate for Commissioner, Port of Anacortes, in violation of RCW 42.17.530.

Disposition: Pending

Initial Investigative Field Work Completed - Cases Under Review

Yes on Initiative 18 Committee-- Case #04-438; Investigator: Phil Stutzman

Date Received: February 13, 2004

Date Started: February 19, 2004

Section of Law: RCW 42.17.080 & .090

Status: Under Review

Summary: A complaint was received from Steve Williamson, Executive Secretary of the King County Labor Council, AFL-CIO alleging that the Yes on Initiative 18 Committee (Yes on I-18), a political committee supporting a local ballot proposition in King County, failed to file C-3 and C-4 reports of contribution and expenditure activities, and alleging that Yes on I-18 failed to disclose a \$20,000 payment to Tim Eyman in exchange for services he performed in support of the initiative efforts.

Disposition: Pending

Washington State Grange--Case #04-450; Investigator: Suemary Trobaugh

Date Received: April 21, 2004

Date Started: April 22, 2004

Section of Law: RCW 42.17.080 & .090

Status: Under Review

Summary: A complaint was received from Paul Berendt, Chair of the Washington State Democratic Central Committee (WSDCC), alleging that the Washington State Grange failed to report contribution and expenditure activities in support of a statewide ballot proposition.

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Disposition: Pending

Washington State Trial Lawyers Association–Case #06-007; Investigator: Kurt Young

Date Received: August 15, 2005

Date Started: August 19, 2005

Section of Law: RCW 42.17.040, .080, .090

Status: Under Review

Summary: A complaint was received from Andres Dolan alleging that the Washington State Trial Lawyers Association (WSTLA) has increased the dues of its members in order to make contributions to support Initiative 336 and to oppose Initiative 330, and that WSTLA has failed to report its activities as a political committee, an alleged violation of RCW 42.17.040, .080 and .090.

Disposition: Pending

Young, Robert “Bob”–Case #06-240; Investigator: Kurt Young

Date Received: September 8, 2005

Date Started: September 13, 2005

Section of Law: RCW 42.17.125

Status: Under Review

Summary: A complaint was received from John Merrell alleging that Robert “Bob” Young, Mayor of Bonney Lake, claimed payment from campaign funds for lost wages during May, June and July 2005 when he was not entitled to such payments, in violation of RCW 42.17.125.

Disposition: Pending

Puyallup School District Officials (Rudy Fyles, Tom Riedel and Leonard Cassman)–Case #06-244; Investigator: Kurt Young

Date Received: September 14, 2005

Date Started: October 18, 2005

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Paul Burr alleging that officials of the Puyallup School District, Rudy Fyles, Tom Riedel and Leonard Cassman, used the public facilities of the school district to support passage of a \$200 million bond issue that came before the voters in February 2004, an alleged violation of RCW 42.17.130.

Disposition: Pending

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Progress Shoreline--Case #06-246; Investigator: Randy Unruh

Date Received: September 27, 2005

Date Started: October 19, 2005

Section of Law: RCW 42.17.080 & .090

Status: Under Review

Summary: Two complaints were filed by Andrew Mascott and Brian McCulloch alleging that Progress Shoreline, a political committee, failed to timely report contribution and expenditure activities.

Disposition: Pending

Donyes, Melvain--Case #06-278; Investigator: Randy Unruh

Date Received: October 17, 2005

Date Started: October 20, 2005

Section of Law: RCW 42.17.080 & .090

Status: Under Review

Summary: A complaint was received from Dan Swatman alleging that Melvain Donyes, a candidate for Bonney Lake City Council, failed to timely file reports of contribution and expenditure activities undertaken by his campaign, alleged violations of RCW 42.17.080 and .090.

Disposition: Pending

IAFF Local 2099 (Bothell Firefighters Association) – Case #06-284: Tony Perkins

Date Received: October 31, 2005

Date Started: November 3, 2005

Section of Law: RCW 42.17.040, .080, .090 & .130

Status: Under Review

Summary: A complaint was received from William Moritz alleging that the International Association of Fire Fighters (IAFF) Local 2099 used their “Segregated Fund” to make political contributions without registering and reporting activities from this fund as a political committee, an alleged violation of RCW 42.17.040, .080 and .090, and that the Bothell Fire Department used the public facilities of the fire department to support the work of this political committee, an alleged violation of RCW 42.17.130.

Disposition: Pending

Coggan, Randy, Fire Chief, Grays Harbor Fire District #5--Case #06-285: Randy Unruh

Date Received: November 2, 2005

Date Started: November 17, 2005

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Gerald Bailey alleging that Fire Chief Randy Coggan and other Fire District officials used fire district supplies and equipment to oppose a candidate for Fire Commissioner in the 2005 election cycle, an alleged violation of RCW 42.17.130.

Disposition: Pending

Moritz, William – Case #06-288: Randy Unruh

Date Received: November 4, 2005

Date Started: November 17, 2005

Section of Law: RCW 42.17.040, .130 & .3691

Status: Under Review

Summary: A complaint was received from Tim Olsen alleging that William Moritz, a candidate for Bothell City Council, failed to file campaign contribution and expenditure reports electronically, an alleged violation of RCW 42.17.3691, that he failed to timely file a Candidate Registration Statement (PDC Form C-1), an alleged violation of RCW 42.17.040, and that he used the public facilities of the City of Bothell to announce his candidacy during a televised Bothell City Council meeting as an incumbent Bothell Parks and Recreation Board member, an alleged violation of RCW 42.17.130.

Disposition: Pending

Amundson, Angela – Case #06-289: Kurt Young

Date Received: November 7, 2005

Date Started: November 21, 2005

Section of Law: RCW 42.17.080

Status: Under Review

Summary: A complaint was received from Michael Jones alleging that Angela Amundson, a candidate for Mountlake Terrace City Council, delayed beyond a reasonable amount of time access to Ms. Amundson's books and records during the open records inspection period eight days before the general election, and that the books and records were inaccurate and did not contain all campaign activities, both alleged violations of RCW 42.17.080.

Disposition: Pending

Wirrick, Steve – Case #06-296: Kurt Young

Date Received: November 16, 2005

Date Started: December 8, 2005

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Section of Law: RCW 42.17.080, .090, .510

Status: Under Review

Summary: A complaint was received from Scott Hamilton alleging that Steve Wirrick, a candidate for Sammamish City Council in 2005, may have received an in-kind contribution that exceeded the mini reporting limits, and thus his campaign failed to timely report contributions and expenditures under the full reporting option. It was also alleged that Mr. Wirrick failed to include the complete sponsor identification on political advertising undertaken by his campaign.

Disposition: Pending

Setter, Mac – Case #06-297: Tony Perkins

Date Received: November 29, 2005

Date Started: December 13, 2005

Section of Law: RCW 42.17.080 & .090

Status: Under Review

Summary: A complaint was received from William McCallum alleging that Mac D. Setter, a candidate for Whatcom County Superior Court Judge in 2004, failed to file reports disclosing contribution and expenditure activities undertaken by his campaign.

Disposition: Pending

Cases Referred To Attorney General For Further Action

TME Capital Group and its Investors; and Environmental Materials Transport, LLC and Hank Hopkins--Case #04-445; Investigator: Sally Parker

Date Received: April 5, 2004

Date Started: April 5, 2004

Section of Law: RCW 42.17.040, .080, .090, .105, 120,780

Status: Investigation Complete

Summary: A PDC staff generated complaint was filed by PDC Executive Director Vicki Rippie, after PDC staff noted, while assisting the Attorney General's Office following referral of Case No. 03-153 by the Commission to the Attorney General's office, that TME Capital Group, LLC (TME) and its investors (Elling Halvorson, Catherine Boshaw, Doug Edlund, John Taylor, Lon Halvorson, E. Kent Halvorson, Tim Teteak and David Chevalier) may have violated the following: 1) RCW 42.17.040 through 42.17.090 by failing to register and report

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as a political committee when TME and its investors raised and spent funds to support candidates; 2) RCW 42.17.105(8) by making contributions to another political committee exceeding \$5,000 with 21 days of the 2001 general election; 3) RCW 42.17.780 by reimbursing \$19,000 to Monarch Enterprises for contributions made to a political committee that supported candidates in the 2001 general election; and 4) RCW 42.17.120 by concealing the source of the contributions received and expenditures made to support Des Moines City Council candidates.

Disposition: Following a report to the Commission on June 23, 2005, the Commission reported (1) multiple apparent violations of RCW 42.17.040 through .090, .120, .105(8) and .780 by TME Capital Group and its investors; and (2) multiple apparent violations of RCW 42.17.040 through .090 and .105(8) by Environmental Materials LLC and Hank Hopkins to the Office of the Attorney General with a recommendation to institute legal proceedings.

Washington Education Association—Case #01-002; Investigator: Lori Anderson

Date Received: August 15, 2000

Date Started: August 18, 2000

Section of Law: RCW 42.17.760

Status: Investigation Complete

Summary: A complaint was received from the Evergreen Freedom Foundation and public school employees alleging that the Washington Education Association (WEA) and Washington School Districts are in violation of RCW 42.17.680 and 42.17.760. The complaint alleges that Washington School Districts are in violation of RCW 42.17.680 by withholding dues and fees from employees' wages that are used by the WEA and the National Education Association (NEA) for contributions to political campaigns. The complaint also alleges that the WEA is violating RCW 42.17.760 by using agency shop fees for political contributions and expenditures without the affirmative authorization of non-members. The complaint was forwarded to the PDC by the Attorney General's Office following its receipt of the complaint from EFF. The complaint was filed with the Attorney General's Office and all County Prosecuting Attorneys requesting that an action be commenced in the courts to address the apparent violations of RCW 42.17. The complaint said that if an action were not commenced in court the complainant would seek appropriate legal and equitable relief pursuant to RCW 42.17. RCW 42.17.400(4) provides a 45-day time period before a complainant may take steps to initiate a citizen's action in superior court.

Disposition: The Commission accepted a Stipulation of Facts, Violations and Recommendations, found that the Respondent committed an apparent violation of

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RCW 42.17.760, stipulated to as actual violations, and referred the matter to the Attorney General’s Office.

Thurston County Superior Court Disposition: The Attorney General’s Office filed suit in Thurston County, and the case went to trial in Thurston County Superior Court. The Thurston County Superior Court found the Respondent intentionally violated RCW 42.17.760, and assessed a total civil penalty of \$400,000. The Washington Education Association has appealed that decision.

Permanent Offense, Permanent Offense Incorporated, Traffic Improvement Initiative Committee, and Tim Eyman—Case #02-281; Investigator: Kurt Young; (Also received 45-Day Letter of Complaint) Suzanne Karr Portion of the Complaint

Date Received: February 6, 2002

Date Started: February 6, 2002

Section of Law: RCW 42.17.080, .090, .120, & .125

Status: Investigation Complete

Summary: A complaint was filed by PDC Executive Director Vicki Rippie against Permanent Offense, Permanent Offense Incorporated, Traffic Improvement Initiative Committee, and Tim Eyman alleging the following: 1) failure to properly report committee expenditures, including the purpose of those expenditures; 2) concealing the fact that committee funds were expended to pay Mr. Eyman for compensation for the work he performed on behalf of Permanent Offense; 3) use of committee funds to pay for Mr. Eyman’s personal expenses. In addition, a “45-day letter of complaint” was filed by Richard A. Smith and Knoll Lowney, attorneys with Smith & Lowney, PLLC, representing Permanently Offended, with the Office of the Attorney General and the County Prosecutor’s Offices in King, Snohomish and Thurston counties against Permanent Offense, Permanent Offense, Inc., Traffic Improvement Initiative, Tim Eyman, Karen Eyman, and Suzanne Karr alleging violations similar to those outlined in the PDC complaint.

Disposition: A report to the Commission was presented at its special April 9, Commission meeting. The Commission found that the Respondent committed multiple apparent violations and referred the matter to the Attorney General’s Office.

National Education Association—Case #02-282; Investigator: Suemary Trobaugh; (45-Day Letter of Complaint)

Date Received: January 31, 2002

Date Started: February 6, 2002

Section of Law: RCW 42.17.040, .080, .090, .680 and .760

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Status: Investigation Complete

Summary: On January 31, 2002, the Evergreen Freedom Foundation, Lowell Johnson, Carrie Riplinger, Susan Kobes and David Williams, through attorney Jeanne Brown filed a citizen’s action letter under RCW 42.17.400(4) with the Office of the Attorney General and the State of Washington’s County Prosecutors’ Offices. The complaint alleged violations by the NEA’s Ballot Measure/Legislative Crisis and Media Campaign Fund of 1) RCW 42.17.040 et. seq (failure to register as a political committee); 2) violations of RCW 42.17.680(3) (diverting a portion of an employee's wages or salaries for contributions to political committees without the written request of the employee); and 3) violations of RCW 42.17.760 (using agency shop fees paid by non members to influence an election without written authorization by the Individual). On February 6, 2002, the Office of the Attorney General officially notified the PDC that they were referring the matter to the PDC for investigation. PDC Staff completed a Preliminary Report of Investigation and prepared a memorandum to Commission members concerning Staff’s findings and recommendation.

Disposition: On April 9, 2002, the matter was on the Commission’s agenda as a report to the Commission. In light of the complaint the Evergreen Freedom Foundation filed against the NEA in Thurston County Superior Court on April 8, 2002 under provisions of RCW 42.17.400(4), the Commission accepted Staff’s recommendation that it take no action in this case. On August 23, 2002, Thurston County Superior Court Judge Paula Casey dismissed the lawsuit filed by EFF against NEA. Judge Casey’s dismissal was based on a decision by the WA State Court of Appeals in State ex rel. Evergreen Freedom Foundation v Washington Education Association, No. 25272-4-II, where the court stated that “Before the 10-day period¹ had passed after EFF’s second letter to the AG, the AG forwarded the allegations to the PDC for investigation...Because the AG acted before the end of the 10-day period, EFF could not bring a citizen’s action lawsuit under RCW 42.17.400...” By a unanimous vote, the Commission dismissed the allegations that NEA violated RCW 42.17.040 and 42.17.680.

On October 2, 2002, at a special Commission meeting, by a unanimous vote, the Commission dismissed the allegations that NEA violated RCW 42.17.040 and

¹ RCW 42.17.400 states: “The citizen action may be brought only if the attorney general...ha(s) failed to commence an action hereunder within forty-five days and after such notice and such person has thereafter further notified the attorney general...that said person will commence a citizen’s action within ten days upon their failure to do so...”

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

42.17.680. By a unanimous vote, the Commission found multiple apparent violations of RCW 42.17.760 by the NEA when it used agency shop fees to make contributions or expenditures to influence an election or to operate a political committee without authorization from the employees. The Commission found that given the insufficiency of its penalty authority, in lieu of holding an enforcement hearing, the Commission referred the above referenced apparent violations to the Washington State Attorney General's Office for appropriate action pursuant to RCW 42.17.360 and .395 and WAC 390-37-100.

**Hopkins, Hank/Environmental Materials Transport, LLC--Case #03-153;
Investigator: Sally Parker**

Date Received: April 15, 2002

Date Started: April 19, 2002

Section of Law: RCW 42.17.105 & .120

Status: Investigation Complete

Summary: This case is related to PDC Case No. 02-296. Hank Hopkins as President of Environmental Materials Transport, LLC (EMTLLC) was added as a respondent by PDC staff alleging that Mr. Hopkins made contributions in excess of \$5,000 within 21 days of the 2001 general election by contributing \$20,000 to Don Wasson's political committee to support Des Moines City Council candidates Petersen, Benjamin and Steenrod. It was further alleged that Mr. Hopkins and EMT LLC concealed the source and amount of an initial \$1,000 payment that was made to Don Wasson and his political committee to support the campaigns of Gary Petersen and Richard Benjamin. In addition, it is also alleged that Mr. Hopkins and EMT LLC concealed the source and amount of contributions that were made to Mr. Wasson's political committee totaling \$20,000 that also supported the 2001 Council campaigns of Mr. Petersen, Mr. Benjamin, and Ms. Steenrod.

Disposition: An Enforcement hearing before the Full Commission was held on March 25, 2003. The Commission found multiple apparent violations of RCW 42.17.120 by the Respondents for concealing contributions used to benefit candidates in the 2001 Des Moines City Council election. Given the insufficiency of its penalty authority, the Commission referred the apparent violations to the Attorney General's Office for appropriate action.

Voters Education Committee--#05-027; Investigator: Phil Stutzman

Date Received: September 9, 2004

Date Started: September 9, 2004

Section of Law: RCW 42.17.040, .080, .090 & .120

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Status: Investigation Complete

Summary: The Public Disclosure Commission staff became aware that on or about September 2, 2004, advertisements began to be broadcast on television stations around Washington State that were identified as being paid for by Voters Education Committee (VEC). The ads concerned Deborah Senn, a candidate for Attorney General, who was on the September 14, 2004 primary election ballot. The Voters Education Committee had filed as a Section 527 organization with the Internal Revenue Service listing its purpose as “a non-partisan (sic), non-profit, non-discriminatory, political action committee which provides issue education.” PDC staff reviewed the advertisement, to determine whether the content of the advertisement constituted “issue advocacy” as claimed by VEC, or if it constituted “express advocacy” as contemplated by the Washington Supreme Court. PDC staff believed the advertisement, taken as a whole, represented an assault on Ms. Senn’s character because the content went beyond taking issue with Ms. Senn’s actions as Insurance Commissioner, and assailed her integrity and credibility. That activity made VEC and its agents a political committee under state law and required them to register and file detailed reports of contributions received and expenditures made with the Public Disclosure Commission.

Disposition: This matter was presented as a report to the Commission on September 25, 2004, at a special Commission meeting. The Commission found apparent violations by VEC of RCW 42.17.040 for failing to timely register as a political committee, 42.17.080 and 42.17.090 for failing to file detailed reports disclosing contribution and expenditure activities, and RCW 42.17.120 for concealing the amount and identity of the source(s) of their contributions and the amount and recipients of their expenditures. The Commission referred this matter to the Washington State Attorney General's Office for appropriate action, including seeking a court order compelling Voters Education Committee to file the disclosure reports required by RCW 42.17.040 through 42.17.090.

Investigations Completed

Cases Closed

The following cases were closed as a result of enforcement hearings: (Respondents may appeal the results of enforcement hearings. For the results of appeals, see “Compliance” and “Results of Enforcement” on the PDC’s home page at www.pdc.wa.gov)

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Full Enforcement Hearings:

Whatcom County Democratic Central Committee-Case #06-302: Randy Unruh

Date Received: January 3, 2006

Date Started: January 13, 2006

Section of Law: RCW 42.17.080 & .090

Status: Investigation Complete

Summary: A complaint was received from William McCallum alleging that Whatcom County Democratic Central Committee, a bona-fide political party organization registered with the PDC, failed to file reports disclosing contribution and expenditure activities for calendar year 2005.

Disposition: An enforcement hearing before the full Commission was held at the March 23, 2006, special Commission meeting. The Commission found that Whatcom County Democratic Central Committee committed multiple violations of RCW 42.17.080 and .090 during 2005 and 2004 by failing to timely file C-3 reports of contributions received, and by failing to timely file C-4 summary reports of contribution and expenditure activities. The Commission assessed a civil penalty of \$3,500. \$1,000 of the penalty was suspended on the condition that the Whatcom County Democratic Central Committee commits no further violations of RCW 42.17 for four years from the date of the Commission’s final order.

Reports to Commission:

None.

Brief Enforcement Hearings: For the results of “Group Enforcement” brief enforcement hearings, other than from investigations, see “Compliance” and “Results of Enforcement” on the PDC’s home page at www.pdc.wa.gov)

The following cases were dismissed with the concurrence of the chair during this period: (The full text of the dismissal letters issued can be viewed at www.pdc.wa.gov. Click on “Compliance” and “Dismissal of Complaints.”)

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Sutherland, Doug—Case #05-079; Investigator: Randy Unruh

Date Received: September 27, 2004

Date Started: October 5, 2004

Section of Law: RCW 42.17.080, .090 & WAC 390-16-034

Status: Investigation Complete

Summary: A complaint was received from Lisa McShane, Campaign Chair of Citizens Protecting Our Water and Forests, alleging that Doug Sutherland, the incumbent Public Lands Commissioner and a candidate for re-election, failed to disclose the occupation and employer information for individuals that contributed more than \$100 to his campaign, and that the campaign failed to report in-kind contributions for professional services provided to the campaign.

Disposition: Dismissed with the concurrence of the chair.

Hope, Michael—Case #05-101; Investigator: Randy Unruh

Date Received: October 15, 2004

Date Started: October 28, 2004

Section of Law: RCW 42.17.640

Status: Investigation Complete

Summary: A complaint was received from Hans Dunshee, a candidate in the 44th Legislative District, alleging that Michael Hope, also a candidate in the 44th Legislative District accepted funds and attributed them for the primary election after the date allowed to receive primary contributions, and that Mr. Hope accepted contributions from affiliated or related entities that exceeded contribution limits.

Disposition: Dismissed with the concurrence of the chair.

Oberst, James—Case #06-253; Investigator: Kurt Young

Date Received: October 3, 2005

Date Started: October 20, 2005

Section of Law: RCW 42.17.130

Status: Investigation Complete

Summary: A complaint was received from Jeffrey P. Wainwright alleging that James Oberst, a candidate for Fire Commissioner, mailed out a campaign flyer that contained a picture of him wearing a Spokane County Fire District 8 uniform, an alleged violation of RCW 42.17.130.

Disposition: Dismissed with the concurrence of the chair.

Citizens for Open Government – Case #06-283: Jennifer Hansen

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Date Received: November 1, 2005

Date Started: November 3, 2005

Section of Law: RCW 42.17.510(2)

Status: Investigation Complete

Summary: A complaint was received from Margaret Soth alleging that Citizens for Open Government failed to include the proper sponsor identification on two postcards opposing Liz Loomis, a candidate for reelection in the City of Snohomish, when it failed to include the required “NOTICE TO VOTERS” language and a listing of its top five contributors for an independent expenditure, and alleged violation of RCW 42.17.510(2).

Disposition: Dismissed with the concurrence of the chair.

Jacobson, Shirley (Clean Water Health Advocates) – Case #06-290: Tony Perkins

Date Received: November 7, 2005

Date Started: November 21, 2005

Section of Law: RCW 42.17.510

Status: Investigation Complete

Summary: A complaint was received from Curtis Smith Co-Chair of Bellingham Families for Fluoride, alleging that an entity called Clean Water Health Advocates sponsored political advertising without including an address, an alleged violation of RCW 42.17.510. However, the advertisement was reported as an independent expenditure by Shirley Jacobson.

Disposition: Dismissed with the concurrence of the chair.

Irons, Jr., David-Case #06-298: Tony Perkins

Date Received: December 5, 2005

Date Started: December 14, 2005

Section of Law: RCW 42.17.060

Status: Investigation Complete

Summary: A complaint was received from Stephen Finley alleging that David Irons Jr., a candidate for King County Executive, failed to deposit contributions within five business days of receipt on numerous occasions during 2005.

Disposition: Dismissed with the concurrence of the chair.

Cases Scheduled For Hearing

Scheduled for Full Enforcement Hearing:

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

None.

Reports to Commission:

None.

Scheduled for Brief Enforcement Hearing:

Bashaw, Richard--Case #06-274; Investigator: Tony Perkins

Date Received: October 6, 2005

Date Started: October 20, 2005

Section of Law: RCW 42.17.080 & .090

Status: Investigation Complete

Summary: A complaint was received from John Ladenburg alleging that Richard Bashaw, a candidate for Tacoma City Council, failed to timely file reports of contribution and expenditure activities undertaken by his campaign, alleged violations of RCW 42.17.080 and .090. A brief enforcement hearing has been scheduled for April 27, 2006.

Disposition: Pending

Johnson, Norman--Case #06-276; Investigator: Tony Perkins

Date Received: October 10, 2005

Date Started: October 20, 2005

Section of Law: RCW 42.17.080 & .090

Status: Investigation Complete

Summary: Two complaints were received from Ron Bonlender and Julie Bresson alleging that Norman Johnson, a candidate for Yakima City Council, failed to report contribution and expenditure activities undertaken by his campaign, alleged violations of RCW 42.17.080 and .090. A brief enforcement hearing has been scheduled for April 27, 2006.

Disposition: Pending